

**Chapter 93**  
**Soliciting**

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**Article I**  
**Definitions**

**§ 93-10. Definitions.**

As used in this Chapter, the following terms shall have the meaning indicated.

1. **CANVASS** - To go through a district or go to persons in order to solicit orders for consumer goods, commodities or services.
2. **HAWK** - To offer goods for sale by shouting his or her wares in the street or going from door to door.
3. **PEDDLE** – To sell or offer to sell goods, commodities or services of any type, from house to house, place to place or on the streets, sidewalks, parks, facilities or rights-of-way within the Town, or without moving from place to place, selling or offering to sell goods, commodities, or services of any type from a pack, truck, car, boat, or other movable structure.
4. **PERSON** – Includes any person, firm, corporation or other legal entity.
5. **STREET** - Any public street, avenue, roadway, boulevard, highway, alley, cul-de-sac or other public place located in the Town and established for the use of vehicles.
6. **TOWN** – Town of Thurmont
7. **VEND** – To sell, vend, or offer to sell or vend any consumer goods or services.

**Article II**  
**License**

**§ 93-20. License - Required.**

1. No person shall canvass, hawk, vend, or offer for sale upon the streets of the Town, or places commonly open to the public within the Town or go from house to house for the purpose of canvassing, hawking, peddling, vending or offering for sale any goods, commodities, or services of any kind without having previously obtained from the Town a license to do so.
2. Violation of this section shall constitute a municipal infraction punishable by a fine of fifty dollars (\$50.00)

**§ 93-21. Application for License.**

1. Applicants for a license under this Chapter shall complete a sworn written application furnished by the Town and provide the following information:
  - a. The applicant's name, permanent physical address and local mailing address, if any, telephone number, physical description, and government issued photo identification card for each applicant and for any person who will be conducting, managing, supervising and/or administering the business for or on behalf of the applicant. If there is no permanent place of business in the State of Maryland, the applicant will provide a copy of a certificate from the State Department of Assessments and Taxation evidencing the fact that the applicant is qualified to do business in the State of Maryland and the name and address of its agent for the service of process in this state if the same is a corporation, limited partnership or such other legal entity.
  - b. If the applicant proposes to sell or offer for sale goods, commodities or services from a fixed location other than a permanent structure, such as a vehicle, trailer, car, tent, etc., the place or places within the Town where it is proposed to carry on the applicant's business, the hours and days during which the applicant proposes to conduct business from that location, and the length of time during which it is proposed that the business shall be conducted from that location.
  - c. If the applicant proposes to sell or offer for sale goods, commodities or services from house to house or place to place, the hours and days during which the applicant proposes to conduct the business.
  - d. The make and model of vehicle, the year of the vehicle, the color of the vehicle, and the tag number of the vehicle being used by the applicant and any person who will be conducting, managing, supervising or administering the business for or on behalf of the applicant.

- e. A brief description of the nature of the business to be conducted and the goods, commodities or services to be sold or offered for sale.
  - f. The name and address of the principal office of the manufacturer if applicable.
  - g. The applicant's Maryland State Retail Sales Tax Number and Tax Payer Identification number.
  - h. If the applicant is an individual or partnership, the same shall be required to provide proof that he or it is qualified to do business and has obtained all necessary permits and licenses required by the State of Maryland and the county requisite for the operation of said business.
  - i. A statement as to whether or not the applicant or any person who will be conducting, managing, supervising or administering the business has been convicted of any crime or violation of any municipal ordinance and, if so, the nature and date of the offense, the date of the disposition, the jurisdiction in which the offense was adjudicated, and the penalty imposed.
2. Fees shall be established by the Board of Commissioners for the Town for each license type. In addition to the fees established, five dollars (\$5.00) will be collected as a permit processing fee.
  3. Applicants and all persons conducting, managing, supervising or administering the business shall agree as a condition of license issuance to indemnify, defend and hold the Town harmless from any liability or causes of action arising from their activities under the license, including reasonable attorney's fees and expenses.
  4. Applications and fees will be submitted to and processed by the Thurmont Police Department.

**§ 93-22. Exemptions.**

The following persons are exempt from this Chapter:

1. Persons visiting premises with the intent to sell or offer for sale goods, services or commodities at the request of the owner or legal occupant.
2. Persons selling merchandise to manufacturers, wholesalers or retailers for use in their businesses or for resale.

**§ 93-23. License Type and Transferability.**

1. Commercial Licenses.
  - a. Daily license - A daily license shall permit up to two persons and one vehicle to operate within the Town for a period of one day. Additional persons and vehicles may operate pursuant to such license for an additional fee.

- b. Weekly license - A weekly license shall permit up to two persons and one vehicle to operate within the Town for a period of up to one week. Additional persons and vehicles may operate pursuant to any such license for an additional fee.
2. Nonprofit Licenses.

The Town may issue a nonprofit license only to nonprofit organizations such as fraternal, religious, charitable, patriotic, educational, benevolent and civic organizations, and volunteer fire and rescue companies. Up to ten (10) people may operate under each license for a period specified on the license. Applicants will pay no license fee for nonprofit licenses but will be subject to the processing fee.
3. No license issued under this Chapter is transferable.

**§ 93-24. License Card and Content.**

1. Each license issued shall be in card form and contain the following information:
  - a. Number of the permit.
  - b. Date of issue.
  - c. Organization.
  - d. Expiration date.
  - e. Name, age, sex, height, address and signature of holder.
  - f. The reverse side of such license may set forth additional conditions and/or limitations of the license.
2. Where minors are operating under a nonprofit license, the license card must display the name and address of the organization, but need not include the individual's identifying information.

**§ 93-25. Hours of Operation.**

1. Soliciting, peddling, and vending under the license shall not begin before 9:00 A.M. and shall stop at 5:00 P.M. Monday through Saturday, except upon invitation from or an appointment with the resident or legal occupant.
2. Violation of this section shall constitute a municipal infraction punishable by a fine of fifty (\$50.00) dollars.

**§93-26. Display and Conditions of License.**

1. Every person shall, at all times, while engaged in activities under this Chapter in the Town, display on his person the license issued in such a manner as to be readily visible.

2. A license issued under this Chapter shall be good for the time period specified in the license, unless earlier suspended or revoked.
3. No person shall sell or offer for sale or seek or take orders or contracts for any goods, commodities or services or contract not mentioned upon such license.
4. No person shall use any vehicle for soliciting or peddling other than the vehicle registered upon his license.
5. No person shall enter a private residence or place of business under false pretenses for the purpose of selling or offering for sale or for soliciting orders for goods, commodities or services. Nor shall any person remain in a private residence or on the premises, or in any place of business or on the premises after the owner or occupant has requested such person to leave.
6. No person may go into or upon any private property or place of business where the owner or occupant has displayed a “NO SOLICITING” sign.
7. No person shall remain in one location on a public street or way longer than 30 minutes or return to the same location within 5 hours. A person subject to this Section must move a distance of at least 100 feet from his previous location.
8. No person shall stop or take up location on a public street or way for the purpose of selling at any point less than 100 feet from the entrance of any store or place of business which sells at retail goods, wares, merchandise, foodstuffs or produce similar to that which the peddler or vendor is offering for sale.
9. No person engaged in activities described in this Chapter shall hawk his goods, commodities or services upon any of the streets, sidewalks parks, facilities or rights-of-way of the Town, nor shall he use any loudspeaker or horn or any other device for announcing his presence.
10. Violation of this section shall constitute a municipal infraction punishable by a fine of fifty (\$50.00) dollars.

**§ 93-27. Denial, Suspension or Revocation.**

1. The Town may refuse to issue or renew a license or may suspend or revoke any license issued under this Chapter if the Town finds that the applicant or licensee has willfully withheld or falsified any information required for a license or has been convicted of a crime or violation of any municipal ordinance.

2. The Town may suspend for a period of up to ninety (90) days, revoke or refuse to renew any license, or may deny subsequent license applications, upon finding that the licensee has:
  - a. Engaged in fraud or willful misrepresentation;
  - b. Violated any provision of this Chapter or any other provision of the Code of the Town of Thurmont; or
  - c. Committed any unlawful act.
3. Any police officer may suspend or revoke a license issued under this Chapter when the licensee is found to be in violation of this or any other Chapter of the Codes of the Town of Thurmont, the laws of Frederick County, the laws of State of Maryland, or of the United States. The licensee shall surrender the license immediately upon request of police officer.
4. When a police officer suspends or revokes a license issued under this Chapter, the officer shall confiscate the license and prepare an incident report, which shall be submitted through his chain-of-command to the Deputy Chief of Police. The license shall be attached to the copy of the incident report.
5. Any revocation, suspension or refusal to renew shall be by written notice to the licensee delivered personally or sent by certified mail to the licensee's address listed on the application. The notice shall contain a statement of the reason for the action taken.

**93-28. Appeal.**

1. Any person aggrieved by the action of the Police Department in the denial of an application for a license under this Chapter or in the decision with reference to the suspension or revocation of a license shall have the right to appeal to the Chief Administrative Officer for the Town of Thurmont.
2. Such appeal shall include a written statement setting forth fully the grounds for the appeal and must be filed with the Chief Administrative Officer within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address.
3. The Chief Administrative Officer shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in this Chapter for notice of revocation. The Chief Administrative Offices is not bound by the technical rules of evidence and may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. The decision and order of the Chief Administrative Officer on such appeal shall be final.